



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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January 26, 2006

NICK FEDERICI
2927 CLOVERFIELD DR SE
OLYMPIA WA 98501

Subject: Final Order - PDC Case No. 06-301

Dear Mr. Federici:

Enclosed is the Public Disclosure Commission's Final Order Imposing Fine that was entered in the above-referenced case. Also enclosed is the Stipulation as to Facts and Violations that was accepted by the Commission.

The Commission found that you committed multiple violations of RCW 42.17.150 and RCW 42.17.170 by failing to register and timely file reports of lobbying expenditures on the dates provided in the Stipulation. The Commission assessed a civil penalty of \$2,500. In addition, the Commission ordered that your lobbyist registration (a) will be suspended for a period of four months, but (b) the suspension will not go into effect unless within two years from the date of the Order you are found by the Commission to have violated any provision of RCW 42.17.150 through .230 or the Commission rules implementing those provisions.

Unless you seek reconsideration of the final order, or exercise your appeal rights as outlined in the order, the \$2,500 monetary portion of the penalty is due at this time. If you have questions, please contact me at (360) 664-8853 or toll free at 1-877-601-2828 or by e-mail at pstutzman@pdc.wa.gov.

Sincerely,

Philip E. Stutzman
Director of Compliance

Enclosures



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3
4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
5 **OF THE STATE OF WASHINGTON**

6 In the Matter of Enforcement Action Against:

PDC CASE NO. 06-031

7 Nick Federici,

FINAL ORDER

8 Respondent
9

10 This matter came for hearing before the Washington State Public Disclosure
11 Commission on January 23, 2006 at the PDC offices in the Evergreen Plaza Building,
12 Room 206, 711 Capitol Way South, Olympia, Washington. Those present included
13 Commission members Earl Tilly, Chair; Mike Connelly and Ken Schellberg. Also present
14 were PDC Executive Director Vicki Rippie; Phil Stutzman, PDC Director of Compliance;
15 Senior Counsel Nancy Krier for the Commission; and, Respondent Nick Federici. The
16 proceedings were open to the public and were recorded.

17 This matter involved allegations that the Respondent, a lobbyist, violated state
18 statutes by lobbying without registering and timely filing reports with the Commission
19 disclosing lobbying information (compensation and expense reports).

20 PDC Staff submitted to the Commission the Notice of Administrative Charges dated
21 January 13, 2006 and the Report of Investigation dated January 12, 2006 (with exhibits).
22 PDC staff also submitted a chart summarizing penalties assessed in comparable cases. The
23 parties submitted to the Commission a Stipulation as to Facts and Violations (Stipulation)
24 dated January 17, 2006. The parties also made oral presentations to the Commission.

25 Following consideration of the written and oral submissions, the Commission voted
26 3-0 to accept the Stipulation and voted 3-0 to impose a civil penalty as follows.

1
2 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

3 Based upon the Stipulation which is hereby incorporated by reference as to the
4 findings of stipulated facts and conclusions of violations of law, the Commission finds:

5 The Respondent committed multiple violations of RCW 42.17.150 and RCW
6 42.17.170 by failing to register and timely file reports of lobbying expenditures on the dates
7 provided in the Stipulation.

8 **II. ORDER**

9 Based upon the findings and conclusions, the Commission orders that:

- 10 1. The Stipulation is accepted;
- 11 2. The Respondent is assessed a civil penalty of \$2,500; and,
- 12 3. The Respondent's lobbyist registration (a) will be suspended for a period of
13 four months, but (b) the suspension will not go into effect unless within two years from the
14 date of the Order the Respondent is found by the Commission to have violated any
15 provision of RCW 42.17.150 through .230 or the Commission rules implementing those
16 provisions.

17
18 **III. APPEALS**

19 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

20 Any party may ask the Commission to reconsider this final order. Parties must
21 place their requests for reconsideration in writing, include the specific grounds or reasons
22 for the request, and deliver the request to the Public Disclosure Commission Office within
23 **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order
24 upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished
25 on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if
26

1 personal service is made. RCW 34.05.010(19). The Commission orders are generally
2 mailed via U.S. mail.

3 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have
4 denied the petition for reconsideration if, within twenty (20) business days from the date the
5 petition is filed, the Commission does not either dispose of the petition or serve the parties
6 with written notice specifying the date by which it will act on the petition. Pursuant to
7 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure
8 Commission to reconsider the final order before seeking judicial review by a superior court.
9

10 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

11 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
12 Commission is subject to judicial review under the Administrative Procedures Act, chapter
13 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
14 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
15 County or the petitioner's county of residence or principal place of business. The petition
16 for judicial review must be served on the Public Disclosure Commission and any other
17 parties within **30 days** of the date that the Public Disclosure Commission serves this final
18 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency
19 shall be by delivery of a copy of the petition to the office of the director, or other chief
20 administrative officer or chairperson of the agency, at the principal office of the agency.
21 Service of a copy by mail upon the other parties of record and the office of the attorney
22 general shall be deemed complete upon deposit in the United States mail, as evidenced by
23 the postmark."
24
25
26

1 If reconsideration is properly sought, the petition for judicial review must be served
2 on the Public Disclosure Commission and any other parties within thirty (30) days after the
3 Commission acts on the petition for reconsideration.

4
5 **ENFORCEMENT OF FINAL ORDERS**

6 The Commission will seek to enforce this final order in superior court under RCW
7 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
8 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
9 will be taken without further order by the Commission.

10
11 The Executive Director is authorized to enter this order on behalf of the Commission.

12
13 DATED THIS 26th day of January 2006.

14
15 FOR THE COMMISSION:

16 Vicki Rippie

17 VICKI RIPPIE, Executive Director

18
19 *Attachment:* Stipulation as to Facts and Violations dated January 17, 2006

20 *Date of mailing:*

21 1/26/06

22
23 *Copy mailed to:*

24 Nick Federici, Respondent

25 Nancy Krier, Senior Counsel, Attorney General's Office

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7 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
8 **OF THE STATE OF WASHINGTON**

9 In the Matter of Enforcement Action
10 Against

11 Nick Federici,

Respondent.

NO. 06-301

**STIPULATION AS TO FACTS AND
VIOLATIONS**

12 The parties hereto, the Public Disclosure Commission Staff, by and through its
13 Executive Director, VICKI RIPPIE, and the Respondent, NICK FEDERICI, submit this
14 Stipulation as to Facts and Violations in this matter.

15 **I. JURISDICTION**

16 1. The Public Disclosure Commission has jurisdiction over this proceeding pursuant to
17 Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative
18 Procedure Act; and Title 390 WAC.

19 **II. FACTS**

20 **Missing Lobbyist Registrations**

21 1. Nick Federici has been a registered lobbyist with the PDC since 1997. At the end of
22 2004, he was properly registered and reporting for ten clients.

23 2. He registered for one client, ARNP's United, on November 17, 2004. Because this
24 registration was filed during the last calendar quarter of 2004, it is effective until the second
25 Monday in 2007.
26

3. With respect to the nine other clients, he was required to re-register by the second Monday in 2005, January 10, 2005.

4. He failed to re-register as required and continued to lobby for his nine other clients in 2005.

5. Following is a summary of Mr. Federici's lobbyist registrations that were not timely renewed and the amount of compensation the registration stated would be earned each month during the legislative session.

Name of Employer	Compensation Per Month	L-1 Due Date	Date Filed	Days Late
American Lung Association	\$4,000	1/10/05	10/20/05	283
CHOICE Regional Health Network	\$500	1/10/05	10/20/05	283
Fairfax Hospital	\$2,000	1/10/05	11/10/05	304
Home Care Coalition	\$1,000	1/10/05	10/20/05	83
Midwives Association of Washington	\$1,000	1/10/05	10/20/05	283
National Association of Social Workers	\$1,100	1/10/05	10/20/05	283
Respiratory Care Society of Washington	\$750	1/10/05	10/20/05	283
Washington Low Income Housing Alliance	\$3,200	1/10/05	10/20/05	283
Washington Toxics Coalition	\$1,250	1/10/05	10/20/05	283
Total Compensation per Month	\$14,800			

Late-Filed Monthly Expense Reports

6. Mr. Federici was properly registered for one client, ARNP's United, in January 2005. As such, his January L-2 report was due by February 15, 2005. It was not received until April 5, 2005. When his January L-2 report was not timely received, Mr. Federici was sent a warning letter on March 8, 2005, reminding him to file future monthly L-2 reports timely and informing him of monetary penalties for further late filed reports.

7. On April 5, 2005, Mr. Federici filed L-2 reports for the months of January, February and March. The January L-2 report was filed 49 days late. The February L-2 report was due by March 15, 2005 and was received 21 days late, but in time to avoid a brief enforcement hearing for a second late report during the same calendar year.

8. During the remainder of 2005, Mr. Federici filed five additional L-2 reports more than 15 days late. Those late reports were for the months of April, June, September, October and November. Following is a summary of these late reports.

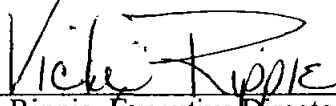
Month	Compensation	Other Expenses	Total Expenses	Days Late
April	\$17,300	\$2,830	\$20,130	35
June	\$7,400	\$2,530	\$9,930	26
September	\$9,400	\$2,130	\$11,530	46
October	\$10,150	\$2,052	\$12,202	17
November	\$15,400	\$800	\$16,200	26
Total	\$59,650	\$10,342	\$69,992	

III. VIOLATIONS

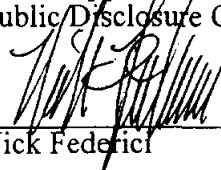
The parties hereto stipulate to the following violations:

1. NICK FEDERICI committed multiple violations of RCW 42.17.150 by lobbying for nine clients during 2005 without first filing the required lobbyist registration forms as outlined above.
2. NICK FEDERICI committed multiple violations of RCW 42.17.170 by failing to timely file five monthly lobbyist expense reports for 2005 lobbying activities as outlined above.

Stipulated to and dated this 17th day of January, 2006.


Vicki Rippie, Executive Director
Public Disclosure Commission

1/17/06
Date Signed


Nick Federici

1/17/06
Date Signed